

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDREW WILLIAM PANKOTAI,

Petitioner,

v.

WARDEN BRUCE KOVACH; PA  
ATTORNEY GENERAL,

Respondent.

No. 4:17-CV-00991

(Judge Brann)

**ORDER**

**FEBRUARY 20, 2018**

Before the Court for disposition is a Report and Recommendation filed by Magistrate Judge Joseph F. Saporito, Jr. on November 21, 2017.<sup>1</sup> In this Report, Magistrate Judge Saporito recommended that (1) this action be dismissed without prejudice due to Petitioner Andrew William Pankotai's failure to pay the requisite filing fee; and (3) the Clerk be directed to administratively close this case.<sup>2</sup> No objections to this Report and Recommendation have since been filed.

Upon designation, a magistrate judge may "conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations."<sup>3</sup> Once filed, this Report and Recommendation is

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<sup>1</sup> ECF No. 22.

<sup>2</sup> *Id.*

<sup>3</sup> 28 U.S.C. § 636(b)(1)(B).

disseminated to the parties in the case who then have the opportunity to file written objections.<sup>4</sup> Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”<sup>5</sup> Nevertheless, whether timely objections are made or not, the district court may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>6</sup>

Following independent review of the record, I am satisfied that the Report and Recommendation contains no clear facial error. In the interests of judicial economy, I will not rehash Magistrate Judge Saporito’s sound reasoning and legal citation. The Court is in full agreement that Andrew William Pankotai’s Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 should be dismissed for failure to pay the requisite filing fee.<sup>7</sup>

**AND NOW, therefore, IT IS HEREBY ORDERED** that:

1. Magistrate Judge Joseph F. Saporito, Jr.’s Report and Recommendation (ECF No. 7) is **ADOPTED IN ITS ENTIRETY**;

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<sup>4</sup> 28 U.S.C. § 636(b)(1).

<sup>5</sup> *Rieder v. Apfel*, 115 F.Supp.2d 496, 499 (M.D.Pa. 2000) (citing *United States v. Raddatz*, 447 U.S. 667, 676 (1980)).

<sup>6</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

<sup>7</sup> *See Cotto v. Tennis*, 369 F.App’x. 321 (3d Cir. 2010).

2. This action is dismissed without prejudice for failure to pay the requisite filing fee;
3. The Clerk of Courts is directed to close this case.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge